

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DAMION A. AHMAD,	:	
	:	
Plaintiff,	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 1:11-CV-1965-TWT-ECS
MEDSHARE DAA,	:	
	:	
Defendant.	:	

FINAL REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

On June 16, 2011, Plaintiff filed the instant action against Defendant, alleging race discrimination in violation of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq., as amended, in connection with Plaintiff's employment with Defendant. [Doc. 1]. Since this date, the record reflects no service upon Defendant.

Rule 4(m) of the Federal Rules of Civil Procedure provides that "[i]f a defendant is not served within 120 days after the complaint is filed, the court - on motion or on its own after notice to the plaintiff - must dismiss the action without prejudice against the defendant or order that service be made within a specified time." Fed. R. Civ. P. 4(m).

Because Plaintiff has failed to effect service upon Defendant within 120 days of the filing of his complaint, this Court **RECOMMENDS** that Plaintiff's complaint be **DISMISSED without prejudice**. This report and recommendation constitutes notice of

dismissal as required under Rule 4(m). The Clerk is **DIRECTED** to terminate the District Court's referral of this case to the undersigned magistrate judge.

SO REPORTED AND RECOMMENDED, this 27th day of October, 2011.

s/ E. Clayton Scofield
E. CLAYTON SCOFIELD III
UNITED STATES MAGISTRATE JUDGE